

Deficiencies and Corrective Actions Status Report: June 2007

CUPA: Santa Cruz Environmental Health Department

Date of Evaluation: May 3-4, 2005

State Evaluation Team:

Cal/EPA Team Leader: JoAnn Jaschke

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- 1. Deficiency:** The CUPA's enforcement actions and follow-up for violations identified during compliance inspections is not consistent among the CUPA inspectors. The CUPA's Inspection and Enforcement Plan is currently being revised. Each inspector currently has the flexibility to initiate or not initiate enforcement actions based on their own professional judgment. Review of inspection reports reflects inconsistent enforcement actions among the five senior inspectors.

CUPA Corrective Action: *The inspection staff have been made aware of this "deficiency" and continue to work very hard at improving the documentation of violations and providing timely follow-up inspections. The Inspection and Enforcement Plan remains incomplete as of this status report. We remain committed to write a plan that will be a usable and not just a document that sits on the shelf to meet this requirement. Recent discussions among our IT folks and the Inspection staff have produced some promising ideas for electronic tracking of violations. This system would be a central part of the new enforcement Plan.*

Cal/EPA Response: Cal/EPA considers this deficiency in progress of being corrected. Cal/EPA will continue to monitor the progress until the Inspection and Enforcement Plan has been revised and the CUPA provides documentation showing that there is consistency in the enforcement actions taken among the inspectors.

- 5. Deficiency:** The CUPA did not update their area plan within the last three years. The CUPA's area plan was last updated in 1991 and needs to be revised to reflect changes within their jurisdiction. At the time of the October 19-20, 1998 evaluation, the CUPA staff had made some draft revisions to the area plan, but the revisions were incomplete. During the October 16-17, 2001 evaluation, the CUPA staff was working on developing and executing a memo of understanding between emergency response agencies for emergency response coordination. Since the last evaluation, the CUPA staff has attempted to update the area plan but

emergency response agencies and the CUPA have not agreed upon the final updated version.

CUPA Corrective Action: *The Area Plan is complete and ready to be signed by all the agencies with jurisdiction and/or responsibility. The new Area Plan includes recent changes in response capabilities and incorporates "Pesticide Drift".*

Simultaneously, the new Memorandum of Understanding for Hazardous Materials Emergency Response capabilities with the newly reformed interagency team will be circulated and signed as well. We have hit a snag with our State Park partners (which own over 25% of the area of the County) and are awaiting an answer from Sacramento before we can proceed any further. I contact my local State Parks Superintendent once a month to seek updates on the progress with the State's attorneys and they have told me they are very close to having it all worked out.

Cal/EPA Response: We will continue tracking this deficiency until OES receives a copy of the Area Plan.

8. **Deficiency:** The CUPA is not ensuring that businesses with minor violations return to compliance within 30 days from the date of notice to comply. Based on a review of the electronic and hard copy files, some businesses have not returned to compliance for up to 6 months.

CUPA Corrective Action: *The inspection staff are working very hard at improving the documentation of violations and providing timely follow-up inspections. The electronic tracking system mentioned in #1 above will help us solve this deficiency as well.*

Cal/EPA Response: Cal/EPA considers this deficiency in progress of being corrected. Provide Cal/EPA with documentation showing that businesses with minor violations have returned to compliance.

9. **Deficiency:** The CUPA is inconsistently or not documenting when, and if, a business has corrected violations and returned to compliance. Based on the review of the electronic and hard copy files, the CUPA documents violations and, inconsistently, a recheck date on inspection reports. The CUPA then occasionally re-inspects the businesses to ensure that the violations were corrected and the businesses return to compliance. Several files contain re-inspection reports documenting the same violation without correction and return to compliance. Several files did not contain follow-up inspection reports or other documentation noting that violations had been corrected.

CUPA Corrective Action: *The inspection staff are working very hard at improving the documentation of violations and providing timely follow-up inspections. The electronic tracking system mentioned in #1 above will help us solve this deficiency as well.*

Cal/EPA Response: Cal/EPA considers this deficiency in progress of being corrected. Provide Cal/EPA with documentation showing that businesses with minor violations have returned to compliance.